

ATTORNEY DOCKET NO.: TOKYO-5001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner of Patents BOX PATENT APPLICATION Washington, D.C. 20231

TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION UNDER 37 C.F.R. §1.53(b)

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventor: Masaru ISHIKAWA

- 1. This is a new [X] Utility [] Design [] Plant patent application.
- 2. The papers enclosed to obtain a filing date are as follows:
 - Pages of Specification including
 Title Page
 - 4 Pages of Claims
 - 1 Page of Abstract
 - 25 Sheets of drawings containing 30 figures
 - [] The enclosed drawings are photographs, and there is also attached a PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)
- 3. Combined Declaration and Power of Attorney
 - [] Enclosed and is executed by all inventors
 - [X] Not Enclosed.

 This application is being filed under the provisions of 37 C.F.R. §1.53(f).

 Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.



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|--|--|---------------|-------------------------------------|---------------------------------------|--|
| 4. | Language | | | | |
| | [X] [] | of the MPE | ation is being fil EP. Applicant(s) | await notification | with 37 C.F.R. §1.52(d) and §608.01 n from the Patent and Trademark English translation and the processing |
| 5. | Assignment | | | | |
| | [] | | | tion to and heet, are enclosed | d a PTO Form-1595, d. |
| | [X] | An assignr | nent will be filed | l at a later date. | |
| 6. | 6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S. [X] Priority of the following foreign application is claimed: | | | | |
| | | of the follow | | | Filed |
| | Country Japan | | Application No. 2000-265729 | | September 1, 2000 |
| - | <u> </u> | | | 200.23 | |
| Certified copy: [] is attached. [X] will follow. 7. Priority based on provisional application(s) - 35 U.S.C. §119(e) [] Priority of the following provisional application(s) is claimed: | | | | | |
| | Application No. | | | | Filed |
| | | | | | |
| | A. Relate B | Amend the | e specification by | y inserting before riority of copendi | the first line the sentence: ng provisional application(s) |

8. Small entity status

[] A statement claiming small entity status under 37 C.F.R. §1.27 is asserted for the present application.

9. Fee Calculation (37 C.F.R. §1.16)

| | Number Filed | Number Extra | at Rate of | Basic Fee Utility \$710.00 Design \$320.00 |
|---|-----------------------|--------------|------------------|--|
| Total Claims (37 C.F.R. §1.16(c)) | 12 - 20 = | 0 | 18.00 | \$0.00 |
| Independent Claims (37 C.F.R. §1.16(b)) | 5 - 3= | 2 | 80.00 | \$160.00 |
| Multiple dependent claim | (s), if any (37 C.F.R | R. §1.16(d)) | 270.00 | ¢070.00 |
| | | | SUB-TOTAL = | \$870.00 : |
| Reduction by 1/2 for filing by a small entity | | | / | |
| | | TC | TAL FILING FEE = | \$870.00 |
| | | | | |

10. Fee Payment

[X] Not Enclosed. NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.

This application is being filed under the provisions of 37 C.F.R. §1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

|] | Enclosed. |
|---|--|
| | A check in the amount of \$ representing the basic filing fee of |
| | \$710.00 and an assignment recording fee of \$40.00 is enclosed |

11. **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

| 12. | Additional papers enclosed: | | | | |
|-----|-----------------------------|--|--|--|--|
| | [] Dreliminary Amendment | | | | |

| | Preliminary Amendment |
|----|---|
| [] | Information Disclosure Statement |
| ĪĪ | Form PTO-1449, document included |
| ĨĨ | Declaration of Biological Deposit |
| Ϊĺ | Submission of "Sequence Listing", computer readable copy and/or amendment |
| | pertaining thereto for biotechnology invention containing nucleotide and/or amino |
| | acid sequence. |

Please accord this application an application number and filing date.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

John G. Smith Reg. No. 33,818

Dated: August 29, 2001 **Customer No. 009629** MORGAN, LEWIS & BOCKIUS LLP 1800 M Street, N.W. Washington, D.C. 20036 (202) 467-7000